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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,003	11/26/2003	James Rogers	1313	7541

7590 07/07/2005  
 DAVID J. ARCHER  
 7037 Pomeroy  
 Rockton, IL 61072

EXAMINER

FOOTLAND, LENARD A

ART UNIT PAPER NUMBER

3682

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

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070105

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Commissioner for Patents

See p.2.

Art Unit: 3682

The reply filed on 5-17-05 is not fully responsive to the prior Office Action because: the applicant knew or should have known that his "opinion" that all 18 claims that he drafted read on the elected species was not a bona fide response to the requirement that he list the claims readable on the elected species. There are 5 different species. Independent claim 17, for example, clearly and obviously does not read on the elected species. What is required is not a cursory "opinion" that all claims read on the one out of 5 embodiments applicant took the trouble to disclose, but rather a statement of readability from the applicant who himself drafted the claims to the various embodiments in full knowledge of which claims related to which embodiment. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.



Lenard A. Footland  
Primary Examiner